

exists. It is not avoiding the problem, it is looking it in the face, collectively finding the right solutions and handling it. There is not one member in this body who will not say that a problem does not exist in terms of school structure and school finance. Let's do it together, let's not avoid the issue, let's not obfuscate the issue, let's not put roadblocks in the way of the issue, let's do it right and get it done. (Interruption) ...I support Senator Vickers' amendment.

PRESIDENT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, if you've got a set of statutes handy, there is a very helpful mechanism that we might utilize in this situation. As a matter of fact I've put up an amendment to the bill that delays the implementation of the bill until May 1, 1986, and requires the Attorney General to take the election procedures, Section 15, for declaratory judgement. If you are in the statute books and you are looking at Volume 2, page 872, you will find Section 25-21,149, it says that you can test out whether a law is constitutional or not. And I would suggest that with the amendment that I've offered time is permitted, people are kept in place, nothing is changed, schools remain open, districts continue to exist, but the question is answered by the Supreme Court, and the question is whether or not the election procedures that we've described are in fact constitutional in Nebraska. You know I, on General File, held up and showed to you these South Dakota statutes and pointed out that there, for the last 26 years, this exact procedure has been utilized. Maybe it will require the Supreme Court to tell us why we can't do in Nebraska what they can do in South Dakota, but I certainly am unconvinced by the lack of citations that the Attorney General is able to make. The point is when you have no cases, and you have no case in this jurisdiction to answer the question, you ask the court. I've put up an amendment to allow us to do exactly that while keeping everybody at a hold harmless situation. For that reason I support the Vickers amendment, and when the time comes I will offer that amendment as a way to keep things where they are, and at the same time permit us to address the legitimate question of the constitutionality of the election procedures in the bill.

PRESIDENT: Thank you. We are on the Vickers amendment.